

House Finance, Ways and Means Committee Amendment No. 1

Amendment No. 1 to HB2038

Kisber
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2000

House Bill No. 2038*

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Chapter ___ of the Public Acts of 2001 (SB 1914 / HB 1943) is amended as follows:

1) by deleting Section 1, Title III – 30 in its entirety and substituting instead the following:

30. Capital Outlay

There is hereby appropriated to the Capital Projects Fund the sum of \$16,068,500 for major maintenance, equipment, construction, and acquisition of land, and for expansion, betterment and repairs to existing structures at the University of Tennessee, the State Board of Regents, the Department of Mental Health and Developmental Disabilities, and Statewide Maintenance needs through the Department of Finance and Administration. The Commissioner of Finance and Administration is authorized to transfer the amount herein appropriated to said departments and agencies to meet the most urgent capital maintenance needs of the state, such transfer to be subject to the approval of the state building commission. This appropriation shall be non-recurring.

Said funds herein appropriated shall be used solely for improvements, betterments, and additions to state structures and for the acquisition of additional land and space, including the purchase of existing structures and grants, as described or referred to above and as approved by the State Building Commission; provided, further, that such funds as are appropriated herein shall be utilized to finance only those projects, improvements, betterments, or additions which are presented in the State of Tennessee's 2001-2002 Budget Document, as amended by any changes or additional projects contained in the Appropriations Act as passed on third and final consideration; provided, further, that all funds appropriated in this act or other general acts of this session for capital outlay shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 15, Part 1.

AND FURTHER AMEND Section 1, Title III–29 by deleting the following language in its entirety:

4. Amortization of Authorized and
Unissued Construction Bonds..... \$60,614,000.00

And by substituting instead the following

4. Amortization of Authorized and

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Unissued Construction Bonds..... \$46,487,600.00

AND FURTHER AMEND Section 1, Title III-29 by deleting the following language in its entirety:

Total Title III-29 \$256,836,000.00

And by substituting instead the following

Total Title III-29 \$242,709,600.00

AND FURTHER AMEND by deleting Section 2, Item 12 in its entirety.

2) by adding the following new item at the end of Section 10:

Item _____. It is the legislative intent to recognize an additional overappropriation of \$15,000,000 for fiscal year 2001-2002.

3) by deleting the last sentence of Item 102 of Section 10 in its entirety.

4) by adding the following new item at the end of Section 10:

Item _____. There is appropriated from non-recurring funds received pursuant to the master settlement agreement entered into by Tennessee and other states, United States territories and possessions, and participating tobacco manufacturers, dated November 23, 1998, the sum of \$2,500,000 for the boll weevil eradication program. This appropriation is non-recurring.

5) by deleting Item 107 of Section 10 in its entirety.

6) by deleting Item 113 of Section 10 in its entirety and by substituting instead

the following:

Item 113. The appropriation made to the Department of Finance and Administration by the provisions of this act is reduced by the sum of \$11,000,000. Such funding reduction is for the purpose of eliminating the long-term care alternative.

7) by deleting Item 129 of Section 10 in its entirety.

8) by deleting Item 9 of Section 12 in its entirety.

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9) by deleting Item 10 of Section 12 in its entirety.

10) by deleting Item 32 of Section 41 in its entirety.

11) by adding the following new language at the end of Item 1 of Section 47:

Notwithstanding any provision of this act to the contrary, any state general fund revenues received in excess of meeting the financial requirements of this act and other acts of the legislature shall be deposited in the Revenue Fluctuation Reserve.

12) by deleting Item 2 of Section 47 in its entirety and by substituting instead the following:

Item 2. From state revenues and other funds available to the general fund for the fiscal year ending June 30, 2002, the Commissioner of Finance and Administration is authorized to establish the Revenue Fluctuation Reserve under the provisions of Tennessee Code Annotated, Section 9-4-211.

Notwithstanding any provision of this act to the contrary, any state general fund revenues received in excess of meeting the financial requirements of this act and other acts of the legislature shall be deposited in the Revenue Fluctuation Reserve.

13) by deleting Section 50 in its entirety and by substituting instead the following:

SECTION 50.

Item 1. The appropriation made in this act for BEP Teacher Salary Increases is for the state share of a two and one-half percent (2.5%) across-the-board teachers' salary increase in the Basic Education Program in fiscal year 2001-2002.

Item 2. The appropriation made in this act to Higher Education includes a two and one-half percent (2.5%) across-the-board salary increase effective July 1, 2001 for all higher education employees. Subject to approval by the Commissioner of Finance and Administration, the Tennessee Higher Education Commission shall prepare a schedule to allocate this appropriation. Such schedule shall be submitted to the Office of Legislative Budget Analysis.

Item 3. The appropriation made in this act for State Employee Salary Increase is intended to provide a two and one-half percent (2.5%) across-the-

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board salary increase effective July 1, 2001 for each state employee and to adjust the appropriate salary ranges in a like manner. The salary increase is not applicable to employees in positions which come under the provisions of a statutory salary plan; provided, however, that employees who come under the provisions of a statutory salary plan shall receive compensation increases in accordance with the provisions of such statutory salary plan.

Item 4. The appropriation made in this act for State Employee Salary Adjustments is made to address employee compensation issues. Prior to allotting this appropriation under the provisions of Section 35, Item 11 of this act, the Commissioner of Personnel and the Commissioner of Finance and Administration shall submit to the Speaker of the House of Representatives, the Speaker of the Senate and the Chairmen of the Finance, Ways and Means Committees of the Senate and House of Representatives a plan for the allocation of this appropriation to state agencies. Such plan shall also be submitted to the Office of Legislative Budget Analysis. There is earmarked a sum sufficient to address legislative employee compensation issues.

Item 5. It is the legislative intent that across-the-board raises shall apply to all state employees unless an employee is denied on the basis of unsatisfactory work performance which shall be set forth in a statement from the head of the department or agency, detailing the circumstances surrounding the denial which shall be sent to the affected employee. The person denied the increase shall then have the opportunity to respond either orally or in writing to the head of the department or agency. If the denial is sustained, such letter must be filed with the Commissioner of Personnel. Provided, however, that employees who are compensated at range minimums shall receive any increase caused by adjustment of range minimums, notwithstanding the provisions of this item to the contrary.

14) by deleting Item 91 of Section 10 in its entirety and by substituting instead the following language:

Item 91. The improvement appropriation made by the provisions of this act for a three percent (3%) higher education employee salary increase is reduced by the amount of \$4,504,250. Such funding reduction is for the purpose of reducing such salary increase by one-half percent (0.5%).

15) by deleting Item 103 of Section 10 in its entirety and by substituting instead the following language:

Item 103. The improvement appropriation made by the provisions of this act for a three percent (3%) state employee salary increase is reduced by the

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amount of \$4,587,100. Such funding reduction is for the purpose of reducing such salary increase by one-half percent (0.5%).

16) by deleting Item 104 of Section 10 in its entirety and by substituting instead the following language:

Item 104. The improvement appropriation made by the provisions of this act for a three percent (3%) K-12 teacher salary increase is reduced by the amount of \$7,951,000. Such funding reduction is for the purpose of reducing such salary increase by one-half percent (0.5%).

17) by deleting Item 69 of Section 10 in its entirety and by substituting instead the following language:

Item 69. The appropriation made to the Department of Safety by the provisions of this act is reduced by the sum of \$209,950. Such funding reduction is for the purpose of reducing the salary increase provided pursuant to the commissioned officer salary survey results to a percentage level commensurate with the salary increase provided to state employees under Section 10, Item 103. It is the legislative intent that the funds appropriated to implement the survey portion of the commissioned members of the Department of Safety compensation plan contained in Section 4-7-205 be allocated on a pro rata basis and that each individual class survey shall be implemented at eighty-three percent (83%) of the survey results on July 1, 2001.

18) by deleting Items 109, 110, 111, and 112 of Section 10 in their entirety.

19) by deleting Item 6 of Section 12 in its entirety and by substituting instead the following language:

Item 6. In addition to funds appropriated to the general fund from the provisions of Items 1 and 2 of Section 53, it is hereby recognized that the general fund will receive in fiscal year 2001-2002 the sum of \$188,863,671 in payments from the master settlement agreement entered into by Tennessee and other states, United States territories and possessions, and participating tobacco manufacturers, dated November 23, 1998.

20) by deleting Section 51 in its entirety and by substituting instead the following:

SECTION 51.

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Item 1. From the appropriation made in Section 1, Title III-10, Item 5.1 Higher Education System-Wide Improvements, the sum of \$10,765,000 is intended to fund the Geier Settlement.

Item 2. The appropriation for Geier Settlement is subject to allocation by the Tennessee Higher Education Commission with the approval of the Commissioner of Finance and Administration. The allocation may include a sum for renovation of the Avon Williams campus of Tennessee State University. Any unexpended balance of this appropriation shall not revert to the general fund balance at June 30, 2002, but is hereby reappropriated for expenditure in the subsequent fiscal year.

Item 3. From the appropriation for the Geier Settlement, a sum sufficient is appropriated in the fiscal year ending June 30, 2001, subject to allotment by the Commissioner of Finance and Administration. Any funds allotted and unexpended shall not revert to the general fund balance at June 30, 2001.

21) by deleting Section 54 in its entirety.

22) by deleting Section 55 in its entirety.

23) by deleting Item 2 of Section 56 in its entirety and by substituting instead the following:

Item 2. The appropriation made to the Department of Health in Section 1, Title III-16, Item 5.1 related to the Nursing Home Grant Assistance Program is reduced by the sum of \$15,054,500. Such funding reduction eliminates all funding available for the grant assistance program created pursuant to TCA 71-5-1301. There is appropriated the sum of \$800,000 from the TennCare reserve to fulfill outstanding obligations under such program.

24) by deleting Item 1 of Section 7 in its entirety and by substituting instead the following:

Item 1. It is the legislative intent that annual dues assessed by the Council of State Governments (CSG) and the National Conference of State Legislatures (NCSL) be paid quarterly and timely from the funds appropriated in Section 1, Title III-2, Item 1.2 (Intergovernmental Conferences and Special Operations). CSG dues for 2001-2002 shall be remitted in four (4) equal payments \$26,794.25 (\$107,177 annualized), and NCSL dues shall be remitted in four (4) equal payments \$31,088.75 (\$124,355 annualized).

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25) by deleting Item 124 of Section 10 in its entirety.

26) by deleting Item 92 of Section 10 in its entirety.

27) by deleting Item 130 of Section 10 in its entirety.

28) by deleting Item 73 of Section 10 in its entirety.

29) by deleting Item 126 of Section 10 in its entirety and by substituting instead

the following:

Item 126. The appropriation made to the Department of Finance and Administration by the provisions of this act is reduced by the sum of \$10,542,600. Such funding reduction is for the purpose of reducing the TennCare improvement for elderly and disabled services. The remaining \$58,200 shall be used for the purpose of funding a rate increase for the PACE waiver on July 1, 2001.

30) by deleting Item 87 of Section 10 in its entirety and by substituting instead

the following:

Item 87. The appropriation made by the provisions of this act is reduced by the sum of \$12,300,000. Such funding reduction is for the purpose of reducing the improvement for classification-compensation adjustments.

31) by deleting Item 8 of Section 12 in its entirety.

32) by adding the following new item at the end of Section 10:

Item _____. From funds appropriated to the office of the comptroller of the treasury and the office of legislative budget analysis, such offices are directed to study the issue of funds maintained outside of the state accounting system by the administrative office of the courts, the district attorneys general conference, and the district public defenders conference and to report to the senate and house finance, ways and means committees as to the following matters: (1) the source of any funds maintained outside of the state accounting system; (2) the disposition of such funds; (3) the statutory basis for disposition of such funds; and (4) accountability controls that are in place or are needed with respect to such funds. This report shall be submitted not later than January 1, 2002.

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33) by deleting Item 120 of Section 10 in its entirety.

34) by adding the following new item at the end of Section 10:

Item _____. The appropriation made to the Department of Finance and Administration TennCare Bureau by the provisions of Chapter ____ of the Public Acts of 2001 (SB 1914 / HB 1943) is reduced by the sum of \$62,900. Such funding reduction is for the purpose of eliminating five (5) positions for the long-term care enhancement.

35) by adding the following new items at the end of Section 53:

Item 1. From funds appropriated from the agriculture and health reserve accounts established in Section 9-4-5501(b)(1) to the Revenue Fluctuation Reserve at June 30, 2001, there is hereby appropriated to the general fund the sum of \$243,776,300.

Item 2. From funds appropriated from the agriculture and health reserve accounts established in Section 9-4-5501(b)(1) to the Revenue Fluctuation Reserve at June 30, 2001, there is hereby appropriated to a reserve fund against contingent federal liabilities the sum of \$100,000,000.

36) by adding the following new items at the end of Section 12:

Item _____. There is appropriated from the highway fund the sum of \$500 for the sole purpose of funding House Bill 747 / Senate Bill 1095.

Item _____. There is appropriated from the highway fund the sum of \$500 for the sole purpose of funding House Bill 1704 / Senate Bill 1902.

Item _____. There is appropriated from the highway fund a sum sufficient not to exceed \$100,000 for the sole purpose of funding House Bill 1413 / Senate Bill 1691.

Item _____. There is appropriated from the indigent defendants counsel fund a sum sufficient not to exceed \$100,000 for the sole purpose of funding House Bill 69 / Senate Bill 569.

Item _____. There is appropriated from the indigent defendants counsel fund a sum sufficient not to exceed \$100,000 for the sole purpose of funding House Bill 349 / Senate Bill 1378.

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Item _____. There is appropriated from the guardian ad litem fund the sum of \$18,000 for the sole purpose of funding House Bill 895 / Senate Bill 1437.

Item _____. There is appropriated from the unemployment trust fund the sum of \$1,900,000 for the sole purpose of funding House Bill 745 / Senate Bill 413, if such bill becomes law.

Item _____. There is appropriated from the criminal injuries compensation fund a sum sufficient not to exceed \$100,000 for the sole purpose of funding House Bill 900 / Senate Bill 992, if such bill becomes law.

Item _____. There is appropriated from the criminal injuries compensation fund the sum of \$500,000 for the sole purpose of funding House Bill 1442 / Senate Bill 1625, if such bill becomes law.

Item _____. There is appropriated from the criminal injuries compensation fund the sum of \$100,000 for the sole purpose of funding House Bill 770 / Senate Bill 796, if such bill becomes law.

Item _____. There is appropriated from the voluntary cleanup oversight and assistance fund a sum sufficient not to exceed \$100,000 for the sole purpose of funding House Bill 1916 / Senate Bill 1889, if such bill becomes law.

37) by adding the following new items at the end of Section 12:

Item _____. The appropriation made in Section 1, Title III-21, item 3.1 for retirees' health insurance is reduced by the sum of \$10,000.

Item _____. There is appropriated the sum of \$10,000 for the purpose of funding HB 749 / SB 1324 relative to line of duty death benefits through the Tennessee Consolidated Retirement System, if such bill becomes law.

38) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$750,000 made in Section 1, Title III-9, item 2.1f for the science alliance is nonrecurring.

39) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$3,223,600 made in Section 1, Title III-9, item 2.1f for public television is nonrecurring.

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40) by deleting Item 9 of Section 7 in its entirety and by substituting instead the following:

Item 9. Board of Probation and Parole in Section 1, Title III-23, Item 2, the board is authorized to make a grant of up to \$200,000 to "Project Return". The appropriation made in this item is nonrecurring.

41) by deleting Item 10 of Section 7 in its entirety and by substituting instead the following:

Item 10. Board of Probation and Parole in Section 1, Title III-23, Item 2, the sum of \$150,000 is for the sole purpose of making a grant in such amount to Dismas, Inc., to be used for assisting with their programs in the State of Tennessee, and for no other purpose. From the funds appropriated to Dismas, Inc., there is earmarked the sum of \$25,000 to Chattanooga Endeavors (formerly Dismas House of Chattanooga) and \$8,000 to Better Decisions (formerly DECISIONS, a program of the DISMAS, Inc. home office) for the sole purpose of maintaining operations at their former level. The appropriation made in this item is nonrecurring.

42) by deleting Item 12 of Section 7 in its entirety and by substituting instead the following:

Item 12. Commission on Fire Fighting Personnel Standards and Education in Section 1, Title III-11, Item 3, funds are earmarked for payment to eligible units of local government to pay bonus supplements to firemen who successfully complete during calendar year 2001 an in-service training program appropriate to such fireman's rank and responsibility and the size and location of his department of at least forty (40) hours' duration at a school established or certified by such commission. The funds appropriated by this item shall be disbursed in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 24 and Section 56-4-205(c) and no supplement to any person shall exceed four hundred fifty dollars (\$450.00). The appropriation made in this item is nonrecurring.

43) by deleting item 15 of Section 7 in its entirety and by substituting instead the following:

Item 15. POST Commission in Section 1, Title III-20, Item 8, funds are earmarked for payment to eligible units of local government which have required all police officers to complete during calendar year 2001 an

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in-service training course appropriate to each officer's rank and responsibility commensurate with the size and location of his department of at least forty (40) hours duration at a school certified or recognized by the Peace Officer Standards and Training Commission. The funds appropriated by this item shall be disbursed in accordance with the provisions of Tennessee Code Annotated, Title 38, Chapter 8, Part 1, and no recipient shall be eligible to receive a supplement of more than six hundred dollars (\$600.00) pursuant to such appropriation. The appropriation made in this item is nonrecurring.

44) by adding the following new item at the end of Section 10:

Item _____. The appropriation made in Section 1, Title III-1, item 7.2 for certified public administrators in the amount of \$60,200 is nonrecurring.

45) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$950,000 made in Section 1, Title III-2, item 2.7 for juvenile judges juvenile court supplement is nonrecurring.

46) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$1,532,000 made in Section 1, Title III-1, item 3 for public library grants made by the secretary of state is nonrecurring.

47) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$1,000,000 made in Section 1, Title III-2, item 2.10 for arts commission grants and subsidies is nonrecurring.

48) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$1,050,000 made in Section 1, Title III-8, item 8 for development district grants is nonrecurring.

49) by adding the following new item at the end of Section 10:

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Item _____. The appropriation of the sum of \$5,600,000 made in Section 1, Title III-9, item 2.1c for k-12 safety grants is nonrecurring.

50) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$1,500,000 made in Section 1, Title III-9, item 2.1a for k-12 governor's schools is nonrecurring.

51) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$500,000 made in Section 1, Title III-9, item 2.1c for k-12 performance incentive grants is nonrecurring.

52) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$250,000 made in Section 1, Title III-10, item 4.3f for the Joe L. Evins Center is nonrecurring.

53) by deleting Item 13 of Section 7 in its entirety and by substituting instead the following:

Item 13. Department of Health in Section 1, Title III-16, the amount of one hundred twenty-five thousand dollars (\$125,000.00) is to be paid to St. Jude Hospital in Memphis to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require. The appropriation made in this item is nonrecurring.

54) by deleting Item 24 of Section 10 in its entirety and by substituting instead the following:

Item 24. The appropriation to the Tennessee Association of Rescue Squads in Section 1, Title III-21, is for the sole purpose of maintaining a state headquarters of the association and to pay the salary of an executive director of the association and other expenses appurtenant thereto. Such appropriation is nonrecurring.

55) by adding the following new item at the end of Section 10:

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Item _____. The appropriation of the sum of \$60,000 made in Section 1, Title III-1, item 5.10 for property appraiser certifications is nonrecurring.

56) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$150,000 made in Section 1, Title III-9, item 2.1a for the Tennessee association of school boards is nonrecurring.

57) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$315,000 made in Section 1, Title III-4, item 1 for tourist development regional grants is nonrecurring.

58) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$285,500 made in Section 1, Title III-3, item 1 for soil conservation grants is nonrecurring.

59) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$550,000 made in Section 1, Title III-22, item 2 for child advocacy centers is nonrecurring.

60) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$2,800,000 made in Section 1, Title III-9, item 2.1b for 10% of extended contract portion of the career ladder program is nonrecurring.

61) by adding the following new item at the end of Section 10:

Item _____. The appropriation of the sum of \$1,740,000 made in Section 1, Title III-1, item 5.10 for property tax reappraisal grants is nonrecurring.

62) by adding the following new item at the end of Section 10:

Item _____. Of the funds appropriated for the TIIPs program, \$10,000,000 shall be non-recurring.

63) by adding the following new item at the end of Section 10:

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Item _____. From funds available to the department of environment and conservation, such department is authorized to continue publication of the Tennessee Conservationist Magazine.

SECTION 2. The general assembly recognizes that without increased revenue with which to fund state government, it will be necessary to establish priorities among state services and programs, to reduce or eliminate some state services and programs and to revise the methods of allocating state resources. Therefore, it is the legislative intent that:

1) All state-shared taxes will be frozen as of June 30, 2002; and, thereafter, all revenue growth from such taxes will be deposited in the state general fund;

2) All grants and similar payments not directly required to provide state services will be funded with nonrecurring revenue in the 2001-2002 fiscal year and thereafter will no longer be funded by the state;

3) The priority among state services and programs must be established jointly by the legislative and executive branches of government;

4) All dedicated taxes and user fees will be reallocated to the state general fund to meet the need for state services and programs determined to be priorities;

5) All operations of the state will be examined to determine which services and programs can be abolished without adversely impacting services and programs which have been determined to be priorities for the state to provide;

6) The University of Tennessee Board of Trustees and the Tennessee Board of Regents should study their operations to determine how they can operate more efficiently and with more limited resources. Such boards shall also examine the impact

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on their respective institutions of the reductions made in this budget and the reality that the level of funding of the higher education formula may decline. Such boards shall report their conclusions to the Finance, Ways and Means Committees of the Senate and House of Representatives as soon as practicable, but no later than January 1, 2002.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.